



FILED & JUDGMENT ENTERED

David E. Weich

Mar 12 2010

Clerk, U.S. Bankruptcy Court  
Western District of North Carolina

J. Craig Whitley  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
WILKESBORO DIVISION**

**IN RE:** )  
 )  
JOSE J. SANTILLAN-RAMOS )  
AKA JOES JESUS SANTILLAN )  
AKA JOES JESUS RAMOS )  
SANDRA B. SANTILLAN-RAMOS )  
AKA SANDRA B. RAMOS )  
 )  
SSN: xxx-xx-1377 )  
SSN: xxx-xx-9323 )  
 )  
**DEBTORS )**

**CASE NO: 08-50011**

**CONSENT ORDER GRANTING RELIEF FROM AUTOMATIC STAY**

THIS CAUSE coming on to be heard and being heard before the undersigned United States Bankruptcy Judge for the Western District of North Carolina, upon request to lift the automatic stay and to allow foreclosure on the Debtors residence at 2487 Boone Trail, North Wilkesboro, NC, under the terms of a Deed of Trust recorded in the Office of the Register of Deeds, Wilkes County, and recorded in Book 0944, Page 0069, held by EMC Mortgage Corporation ("EMC") servicing agent for Bank of America, N.A., as successor by merger to LaSalle Bank, N.A., as Trustee for Certificateholders of Bear Stearns Asset Backed Certificates, Series 2004-HE7 (the "note holder"); and it appearing to the Court and the Court finding that:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of title 11 of the United States Bankruptcy Code on January 7, 2008.
2. EMC is the secured creditor in the Debtors bankruptcy case.
3. On or about January 27, 2009, EMC filed a motion for relief from the automatic stay provisions of the 11 U.S.C. § 362.
4. On or about February 2, 2009, Thomas C. Flippin, Debtors' attorney, filed an objection to EMC's aforementioned motion.

5. EMC and the Debtors now wish to compromise and settled all disputes arising out of, or in any way connected to EMC's motion for relief and Debtors' EMC mortgage loan account. EMC and Debtors propose to settle their differences, if possible, by a modification of the Debtors' EMC mortgage loan account.

WHEREFORE, with the consent of the parties and based upon the foregoing findings of fact, the Court concludes as a matter of law that an order should be entered allowing the parties to take whatever actions are necessary to negotiate a modification of the Debtors' EMC mortgage loan account.

NOW, THEREFORE, with the consent of the parties, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The stay imposed by 11 U.S.C. § 362 is terminated, annulled or modified for the limited purpose of allowing the parties to take whatever actions are necessary to negotiate a modification of the Debtors' EMC mortgage loan account; said relief is immediate and the 10 day waiting period of F.R.B.P. 4001(a)(3) does not apply.
2. In the event that the parties successfully negotiate a modification of the Debtors' EMC mortgage loan account, before the parties' consummate said modification, the parties shall present the proposed terms of the modification to the Court for approval.

CONSENTED TO:

S:/Joseph J. Vonnegut  
JOSEPH J. VONNEGUT, ATTORNEY FOR  
EMC MORTGAGE CORPORATION

S:/Thomas C. Flippin  
THOMAS C. FLIPPIN, ATTORNEY FOR DEBTORS

NO PROTEST/NO OBJECTION:

S:/Steven G. Tate  
STEVEN G. TATE, TRUSTEE

This Order has been signed  
Electronically. The Judge's  
Signature and Court's Seal  
appear at the top of the Order

UNITED STATES BANKRUPTCY JUDGE